South Devon College

Student Disciplinary Procedure for FE

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Document control

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1. Introduction

This procedure outlines the framework used to deal with students at FE level, whose behaviour becomes a cause for concern. The procedure is intended to be fair, transparent, appropriate, and applied consistently.

If a criminal offence has been committed, the college may choose to involve the police. In certain circumstances, as a victim, a student may be advised to contact the police directly. Safeguarding staff are available to advise in all cases.

2. Disciplinary Stages

The College Contract for students outlines the appropriate behaviours expected of a student at South Devon College and these behaviours are aligned to our overarching ethos, which is to be **READY** to learn, **RESPECT** yourself, others and the College environment and keeping yourself and others **SAFE** from harm.

The following list shows examples of inappropriate behaviour and the most appropriate stage of the disciplinary process. **The list is neither exhaustive nor exclusive** and, in some cases, it may be right to enforce a different stage of the disciplinary process from the examples listed.

	I	
Informal	Ready	Decreasing attendance
(SIP)		Where absences are frequently not notified or reasonably explained
		Frequent poor punctuality
		Late or non-submission of course related work/assignments
		Minor cases of academic misconduct
		Eating or drinking (apart from water or other agreed drinks for
		health-related purposes) in class, workshop, or other timetabled
		sessions
		Persistent forgetting of equipment and appropriate clothing for tasks
		Poor engagement and participation in class
	Respect	
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		Bringing non-students onto the premises without permission
Formal	Ready	Repeated violation or breaches of the college contract raised in the
		Informal Stage
		Misuse of the internet/IT equipment
		Misuse of and/or cause damage to facilities and equipment
		Misuse of college resources
		Interference with college property including software or data
		Acceptable Use IT Policy
		Recording or photographing staff or students without permission.
Formal	Respect Safe Ready	 Disrupting the learning of others either in class, in the workshop or around the College Disrespectful behaviour to other students, staff, or visitors Unwanted sexual attention and comments Improper use of technology devices when in class or on College premises Regularly not wearing college lanyard when onsite Not abiding to the speed limit whilst on College grounds Bringing non-students onto the premises without permission Repeated violation or breaches of the college contract raised in the Informal Stage Misuse of the internet/IT equipment Misuse of and/or cause damage to facilities and equipment Misuse of college resources Interference with college property including software or data belonging to or used by the college and other breaches of the Acceptable Use IT Policy

	Respect	 Moderate cases of academic misconduct including cheating, plagiarism, and collusion Disrespectful behaviour including swearing at other students, staff or visitors or on any college-related activity including work placements Racist language
	Safe	 Bringing Drugs/alcohol on college premises Inappropriate sexual harassment/behaviour Demonstration of aggressive behaviour/discrimination/harassment/bullying or hate incident Any alcohol or illegal drug use in college. Criminal behaviours e.g., theft Allowing non-students to use your ID to gain access to site
Serious	Ready	Escalation from Formal Stage due to further breaches of the college contract
	Respect	 Serious cases of academic misconduct Serious inappropriate internet use Bullying, intimidation, harassment, abuse, hate crime or incidents Wilful damage to college property, equipment and premises
	Safe	 Possession of an offensive or dangerous weapon Suspected drug dealing or distribution of drugs Violence or threats of violence in any form e.g., verbal, physical, via e-mail etc. Serious or repeated harmful sexual behaviour Physical assault Serious breach of Health and Safety regulations Endangering or causing injury to others

Important note:

There is no requirement for staff to apply each stage of the procedure in turn. For example, a series of SIPs for relatively minor issues may be followed by a Formal Stage if there is no sign of behavioural change. Alternatively, a single significant serious incident may justify an immediate Serious Stage disciplinary without going through the Informal SIP stage or Formal Stage.

Informal Stage (Support Intervention Plan/s)

This is the first stage in the procedure and is informal. At this stage, the student should know the expected values and behaviours and the consequences of not adhering to these. It is not expected that a member of staff will need to complete a Support Intervention Plan (SIP) for minor classroom, workshop or practical management issues but that they will be issued where, for example, a previous informal discussion with a student about arriving late has not changed their behaviour. Tutors/teachers will need to exercise judgement and it is strongly recommended that the course team establishes a common and consistent approach to frequently encountered behavioural issues.

SIPs will normally be raised by personal tutors however, they can be raised by other teachers/staff who work with the student and in the case of apprentices the work-based team should complete the SIP with the student. When a SIP is raised it is important that the personal tutor, and ideally the whole teaching team, are made aware of the plan, to ensure

that all the people that work with the student can be involved, in a consistent way, to support the student. If the student is under 18, tutors are encouraged to inform/involve parents and/or guardians of any early concerns, to help build a better picture of the student and encourage support from home. Learners with an **EHCP** must have SEND Lead involvement for all aspects of the disciplinary process. For learners who are in care (CEL) the designated teacher (DT) should also be involved.

The SIP usually involves a one-to-one meeting with the student to clearly identify the required behaviour change and to explore causes of the inappropriate behaviour. The member of staff working with the student on the plan should use a restorative approach based on curiosity and encouragement, focusing on the causes of the behaviours and not the person, setting clear boundaries and expectations with suggested actions to adapt and develop positive behaviours. Barriers to achieving the required behaviour change will be explored and a support plan will be agreed with the student. The member of staff formulating the plan may involve the support of other key people as required, for example the student's next of kin, the Wellbeing team, the Helpzone team, the SEND team or the Progress Coach. Targets for achieving the required behaviour change will be agreed with the support in place, as required.

Students can have as many SIPs as needed in any one academic year with the intention always being to support the student to make the required behaviour change. Staff are encouraged to refer the student to their line manager if the plan does not lead to an improvement of behaviour or progress. At this point there should be escalation to the next stage in the disciplinary procedure. Below is a checklist for the expected activities to have occurred prior to escalation from the Informal Stage (SIP) to the next Formal Stage.

- Has at least **one 1 to 1 meeting** taken place with the student, which included a thorough exploration of the barriers to demonstrating expected behaviour, resulting in SMART actions being agreed to support improvement (SIP)? If student is not attending College this conversation could happen over the phone.
- Has the above been **reviewed**? Does the timeframe need **extending** to make the actions more **achievable**?
- Have parent/carers been advised of any concerns (if the student is under 18 only)?
- Where appropriate, have referrals to other professionals within the College happened, for example, PI, SENDCOs for students with an EHCP and the DT for care experienced students?
- If the inappropriate behaviour is related to **poor or decreasing attendance**, have you referred the learner to your Progress and Attendance Coach?
- Have you discussed the case with your Programme Coordinator and Head of Curriculum (HoC) to agree that adequate support and intervention has taken place?

Formal Stage

This is the second stage in the disciplinary procedure and a student may reach this stage either from a single incident (see above) or from an escalation from the Informal Stage. The Head of Curriculum, or designated staff member in their absence, will hold a formal meeting attended by the student and, where appropriate, their parent/carer/employer plus any other relevant staff involved or specialist staff required to inform development of a clear and achievable behavioural support plan. The purpose of this meeting is to ascertain the reasons for the unacceptable behaviours and to find ways to support the required behavioural change using restorative justice principles. A behavioural support plan will be agreed with the student, and they must be clear about what is expected of them, and any support or interventions required. A restorative approach should be used throughout, and adequate time should be given to see an improvement in the behaviour. This stage may result in a **formal**

warning being issued and the stage carries with it the indication that any further breaches of the College's behavioural expectations could result in a **Serious Stage** disciplinary meeting which could mean potential exclusion or other sanctions.

Any formal warning issued should clearly indicate the nature of behavioural change that is required and/or any specific conditions or actions and timescales which would automatically trigger a Serious Stage Disciplinary meeting. All formal warnings will remain on the student's record for the academic year, unless subsequently proved unfounded.

It may be necessary for students to be subject to the formal stage on more than one occasion. This will depend on the behaviours demonstrated and additional intervention required to support development of the individual student's positive behaviours.

Parents/guardians of those under 18 (where safeguarding permits) will be informed when the student receives a Formal or Serious Stage Disciplinary.

Serious Stage Disciplinary

Serious Stage disciplinaries are usually reserved for dealing with either a single serious and/or harmful behavioural incident or a pattern of persistent behavioural problems that have escalated from the previous stages.

The Serious Stage disciplinary will normally be initiated when students have either continued with a range of behaviour, which has incurred previous warnings or are reasonably suspected of having committed a serious offence. In all cases it would be considered normal to have implemented a suspension pending investigation (see below), prior to the Serious Stage disciplinary meeting.

Consideration of all evidence will be made in the Serious Stage disciplinary meeting, including possible mitigating or extenuating circumstances for example, special educational needs or disability, serious personal or family problems. Students with an EHCP must have a full EHCP review prior to the Serious Stage disciplinary meeting to ensure we are meeting the needs of student. This must be discussed and agreed with the SEND Lead. However, these factors may not excuse unacceptable behaviour.

Parents/guardians/employers of those under 18 must be informed when the student is at risk of being withdrawn or excluded. (Unless safeguarding information from DDSL's is evident).

Serious Stage Disciplinary Meeting

The **Serious Stage** disciplinary meeting will be chaired by an Assistant Principal (or designate) and will normally include the student, the relevant Head of Curriculum and the Head of Personal Development. The Heads of Personal Development acts as the college's Designated Teachers so will be present to support all care experienced students. For students that are under 18 the parent/carer will be invited to attend, and the student may wish to bring along a supporter or advocate however, this person must be independent of the actions that have led to the Serious Stage disciplinary meeting. For students that have an EHCP a SEND Lead will also be present and other relevant staff, such as the Deputy Designated Safeguarding Leads (DDSLs) may be present as required. Relevant external agencies may also attend at the discretion of the Chair (AP). Students and their next of kin (if under 18) will receive at least 5 days' notice of the meeting.

In the meeting the reasons for the Serious Stage disciplinary will be discussed and any information/evidence should be presented by the Head of Curriculum (or designate). Any witness statements and relevant documents will be notified to the Assistant Principal (AP) in advance, and it is their decision as to their use in the meeting. The student, with agreed assistance from their representative, will have the opportunity to present their account of what has happened and why, including any mitigating circumstances.

Wherever possible a meeting will be rearranged when a student (or parent/carer) informs the Chair that they cannot attend. However, if a student fails to attend the meeting without suitable notice (at least 24 hours) or refuses to attend or cannot be contacted, the meeting may be held in their absence.

The possible outcomes from a Serious Stage disciplinary could be:

- 1) reinstatement with reclassification or removal of disciplinary stage
- 2) reinstatement with conditions (which could include a change/modification of study programme)
- 3) exclusion from the College.

The meeting decisions and outcomes will be made by the AP however, any decision to exclude a student would not normally be made in the meeting, but afterwards following discussion and consultation with other relevant staff. In making their final decision the AP will work to the criterion of reasonable probability and will have due regard for safeguarding all students. The AP's decision will be confirmed in writing to the student and parent/guardian/employer (as appropriate) within 5 working days. The decision will include (as relevant) the length of exclusion and/or conditions relating to reinstatement decisions. If the decision is to exclude, the decision will be moderated by a separate moderation exclusion panel to ensure fairness and consistency.

It is the responsibility of the AP (or designate) to record the outcomes of the disciplinary meeting on OnTrack and where the issues were of a safeguarding nature, this should also be recorded on CPOMs. Excluded students must be flagged on EBS and all future applications must be risk assessed by the College Risk Assessment Panel.

3. Suspension due to serious incident or safeguarding concerns

In the case of serious incidents / safeguarding concerns a College Manager (or in their absence their nominee) may suspend a student pending further investigation. This is normally for up to a maximum of 15 working days, but this period may be extended in serious and complex cases. The parents / guardians of students aged under 18 or 'vulnerable adults' must be notified at the earliest opportunity of any such suspension.

During the suspension period the student must only attend college for a specific meeting arranged by college staff. They can still access and complete college work from home.

The following staff are authorised to suspend students:

- Senior Leadership Team
- College Leadership Team
- Designated Safeguarding Lead

Important Note:

Students must NOT be asked to leave College on an ad-hoc basis. If a student needs to be removed from college, then the suspension process should be followed. Where appropriate, parents or carers must be informed in all cases after making checks for safeguarding precautions.

If the student has been identified as having additional needs and/or vulnerabilities, such as safeguarding concerns (including those with a social worker), Cared for Children and Care Leavers, Young Carers or has identified special educational needs (SEN) including an EHCP, then the relevant team should be alerted in all behavioural concern matters and disciplinary processes. We are required to inform the LA prior to any suspension of those students who are care experienced or hold an EHCP review. The impact of suspension on all students is significant but increasingly so for vulnerable students, and the decision to suspend is never taken lightly.

If a student is suspected of being under the influence of drugs or alcohol, the Positive Intervention Team should be alerted. Students in this case should not be asked to leave College. Where appropriate, parents or carers, ambulance services and/or employers will be contacted to ensure the safe passage home for the student.

This suspension may be delivered or communicated to the student by any delegated member of staff. Suspension should be confirmed as soon as possible and must be **confirmed** in **writing** within 5 working days.

4. Suspension due to police investigation into criminal or high-risk behaviours

Students may be suspended indefinitely and without prejudice if they are being investigated by the police for a crime which is judged to have a high potential impact on students or staff in College. Where a student is the subject of an investigation by the Police or other agency in relation to an alleged criminal offence, they must report this to the College at the earliest opportunity.

Examples of such high-risk crimes would include any safeguarding matters involving abuse or criminal behaviour targeting children or vulnerable adults, sexual harassment, assaults and rape, supply of drugs, knife crime, crimes which are relevant to the programme of study (e.g., computer-based fraud or misuse), crimes of violence. This list is not intended to be exhaustive, and the decision to suspend will be taken by assessing the potential risk to those in the College environment. The decision to suspend in these cases will be taken in consultation with the Duty Manager/Senior Leader and/or College Designated Safeguarding Lead.

The suspension is a neutral act to protect the student and others and will be reviewed once the outcome of the police investigation is known, or if the student is charged with an offence. The suspended student may be enabled to complete their programme of study (e.g., study at home). This will not always be possible, for example, if the student is charged with the offence, if the matter arises early in the College year or if there are significant practical elements required to complete their programme. If the suspension is likely to prevent the student from completing their study programme, then the student may be withdrawn or put on a break in learning with the understanding that they may re-enrol at the start of the next

academic year where possible, if the charges are unfounded and subject to a risk assessment.

5. Student Appeal Procedures

Appeal Against Exclusion

In the case of any appeal against exclusion, the student will need to apply in writing to the Vice Principal, Matthew Harbour, setting out the reasons for the appeal, within 5 working days of being notified of any exclusion. The appeal will need to set out reasons why the student believes the exclusion is unfounded or unjustified. Grounds on which an appeal will be considered are:

- 1. the submission of relevant new evidence that was not available at the time, which may have had an impact on the decision to exclude
- 2. a claim that there were procedural irregularities and clear written details of those irregularities.

If there are no clear grounds for appeal, there will be no appeals meeting and no further action. If there are grounds for appeal the student will be informed of that decision. In either case the student will be informed in writing within 5 working days.

If it is agreed that an appeal meeting will be held, the student will be invited to be accompanied by a representative. At the meeting, a panel of staff (not previously involved in the matter) chaired by the Vice Principal, will review the evidence presented by the student and consider the appeal.

A final outcome will be communicated to the student within 5 working days. Outcomes could include:

- 1. reinstatement with reclassification or removal of disciplinary stage
- 2. reinstatement with conditions (which could include a change/modification of programme)
- 3. exclusion from the College.

Please note that in some cases, it may be necessary to make variations to procedural aspects of the Student Behaviour Policy and Disciplinary Procedure. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness.

6. Disciplinary Process Overview

Disciplinary Stage	INFORMAL Support Intervention Plan (SIP)	FORMAL	SERIOUS	
Description	Where there are concerns about persistent low level breaches of READY, RESPECT & SAFE expectations.	Escalation from Informal stage and / or for more concerning breaches of READY, RESPECT & SAFE expectations.	Escalation from Formal Warning following persistent behavioural issues and / or for serious breaches of READY, RESPECT & SAFE expectations.	
Raised by:	Subject tutor / Personal Tutor	Personal tutor / Programme Coordinator / Curriculum Head	A member of College Leadership Team. Curriculum Head must be informed to confirm any suspension arrangements and raise in Ontrack	
Actioned by:	Course / subject or Personal tutor	Curriculum Head or Programme Coordinator if in agreement with disciplinary level	Meeting chaired by Assistant Principal.	
What happens:	Hold at least one supportive meeting to explore barriers and agree a plan of actions to support development of positive behaviours.	A meeting is held (including parents for those under 18) to clearly outline what behaviour changes are required and agree how these can be achieved.	A meeting is held, where evidence is presented by Curriculum Head and student (or their representative, parent if under 18) is given the opportunity to respond to the panel.	
Outcomes*:	Student is monitored for an agreed period (this can be extended if necessary). If there is no improvement follow the escalation checklist.	Expectations on required behavioural changes made clear. Student may need referral to internal / external services to support required improvement. If no improvement evidenced in the agreed time frame, escalate to Serious disciplinary.	Student made aware of all possible outcomes at meeting. i) Exclusion - moderated by DSL and senior panel. ii) Reinstatement - with conditions. iii) no further action Outcome reached by panel following meeting and communicated to student within 5 working days.	

^{*}All agreed outcomes and actions related to disciplinary must be recorded in Ontrack

Appendix I - Using Ontrack to record and monitor disciplinary action

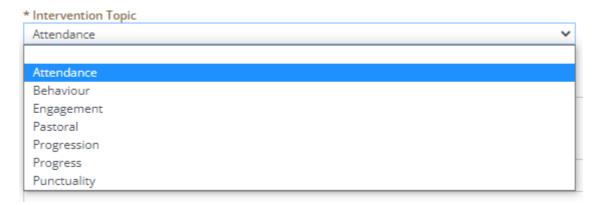
Support Intervention Plans (SIPs)

1. Search for the student on the Ontrack home page

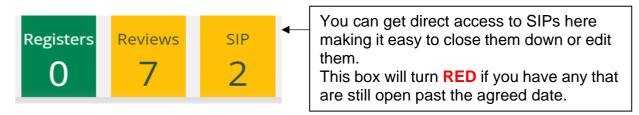
TOP TIP: To save time use the first 3 letters of both forename and surname. This will also reduce the chance of misspelling the student's name.

2. On the student's home page select
You will also be able to view other SIPs for this learner and edit any previous SIPs added by you.

3. Select the most appropriate intervention topic, this will be informed by your 1 to 1 meeting as what might start as a behaviour concern could become more of a pastoral issue.



- 4. Provide an overview of the situation discussed in the 1 to 1 if you feel context is required. REMEMBER students will see this in SDConnect.
- 5. Concisely add the agreed actions / strategies to improve these should be what was agreed during your 1 to 1. Again, students will see this text.
- 6. Confirm who is responsible for the action not all actions will be for the student alone.
- 7. Add a date to review the actions that allows time for strategies to take effect and for actions to be completed.
- 8. SUBMIT this saves the SIP
- 9. Your open SIPs can now be monitored from your homepage.



TOP TIP: If more time is required to achieve the agreed plan or strategy, you can **edit** the SIP and extend the target date rather than creating a new one.

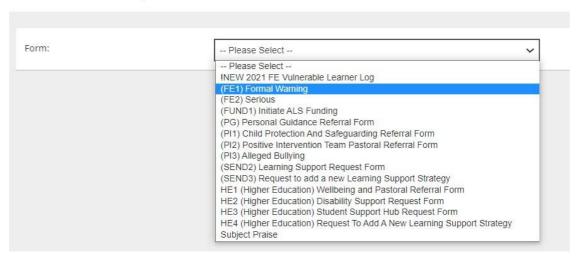
Raising a Formal Stage Disciplinary - ALL STAFF

1. Open Pastoral module in Ontrack from the menu list on your home page.



- 2. Select from the top righthand side of the Pastoral page.
- 3. Select Formal Stage from the drop-down list of referral options.

Add Pastoral Form Entry



4. Find the student by entering their full name in the Filter Value box and selecting •



Learners:



The students name and learner number should now appear in the Learners box. Select the correct one if there are multiple entries and use the to button to add the student to the form.

- 5. DO NOT make any changes to the recipients list, this has been set up to go to the appropriate members of staff to action.
- 6. Select the disciplinary stage from the Summary drop down.
- 7. Read the information provided carefully.
- 8. Select the most appropriate misconduct reason from the drop-down list provided.

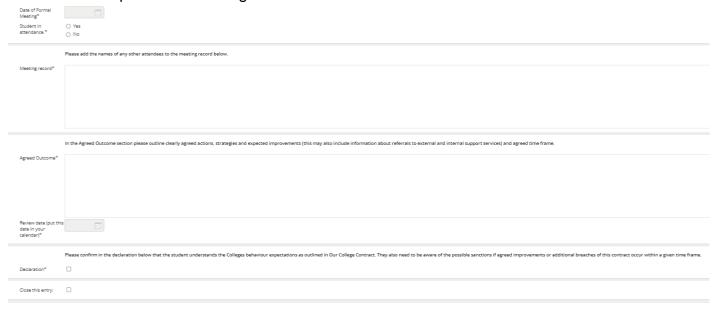


9. Provide all relevant supporting information in the box provided. This should outline the facts of the alleged misconduct, relating to available evidence where possible.

10. Re-read your entry. Once submitted it will be seen by the student (and parent if student is under 18). When you are satisfied you have provided clear and full information, select to save and submit the disciplinary form. You should see a confirmation pop up.

Closing Formal Stage Disciplinary – Curriculum Heads / Programme Coordinators ONLY

- Once a Serious Misconduct form has been submitted the CAS team will check it and forward it to the relevant Curriculum Head and Programme Coordinator to check they wish to proceed. CAS will also liaise to confirm a formal meeting date, adding this to your calendar and sending the invitation in writing to the student (and parent if under 18).
- 2. The Ontrack entry will be in your Pastoral Inbox to view details and add outcome select
- 3. During the formal meeting, select 🛨 in the bottom righthand corner to add a response.
- 4. DO NOT amend the recipients, these have all been set up for you.
- 5. Complete the following fields:



- 6. Once you are satisfied that the information provided is full and clear and has been verified by the learner during the meeting. Close the entry and select to save and submit.
- 7. CAS will use the information provided to confirm outcome in writing.
- 8. On the review date please do 'check in' with the student and those working with them to review whether the agreed improvements have been made, if not explore why and adjust or escalate as appropriate.

Raising Serious Stage Disciplinary - CLT

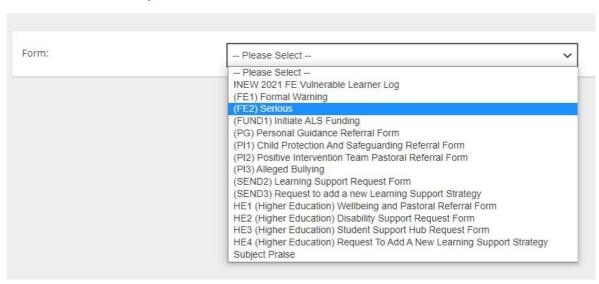
Although a Serious disciplinary can be raised by anyone, the form in Ontrack must be completed by a member of CLT or the PI Team. Ideally this would be the relevant Curriculum Head.

1. Open Pastoral module in Ontrack from the menu list on your home page.



- 2. Select from the top righthand side of the Pastoral page.
- 3. Select Serious from the drop-down list of referral options.

Add Pastoral Form Entry



4. Find the student by entering their full name in the Filter Value box and selecting Q

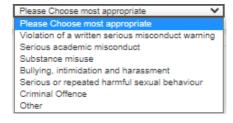


Learners:1



The students name and learner number should now appear in the Learners box. Select the correct one if there are multiple entries and use the + button to add the student to the form.

- 5. DO NOT make any changes to the recipients list, this has been set up to go to the appropriate members of staff to action.
- 6. Select the disciplinary stage from the Summary drop down.
- 7. Read the information provided carefully.
- 8. Select the most appropriate misconduct reason from the drop-down list provided.



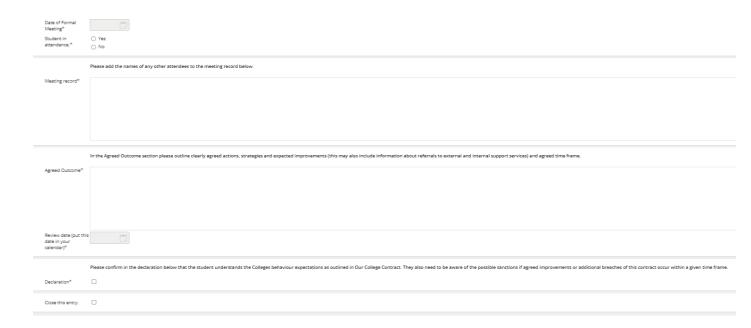
- 9. Provide all relevant supporting information in the box provided. This should outline the facts of the alleged misconduct, relating to available evidence where possible.
- 10. Complete these additional check boxes to ensure appropriate action has been taken for this level of disciplinary.

Have you notified the student that the Gross Misconduct disciplinary has been issued?"	C In Person O Telephone O Voicemail Left Email O Unable To Contact
Is the student suspended pending investigation?*	○ Yes ○ No ○ Partial Suspension Will Provide Details
Has Next Of Kin Been Notified (Compulsory if Under 18)**	Yes ○ No ○ Voicemail Left ○ Email ○ Unable To Contact ○ Not Applicable
Confirm If External Agencies Notified i.e. Social Worker, YOT, Local Authority®	 Yes No Not Applicable
State Your Requests Here	Pl Admin will now set up the disciplinary panel hearing with Assistant Principal and Curriculum Head and any other appropriate person. If you have any requests for date and time etc please advise below

11. Re-read your entry. Once submitted it will be seen by the student (and parent if student is under 18). When you are satisfied you have provided clear and full information, select to save and submit the disciplinary form. You should see a confirmation pop up.

Closing Serious Stage Disciplinary – Assistant Principals ONLY

- 1. Once a Serious Misconduct form has been submitted the CAS team will check it and forward it to the relevant Assistant Principal. CAS will also liaise to confirm a formal meeting date, adding this to your calendar and sending the invitation in writing to the student (and parent if under 18).
- 2. The Ontrack entry will be in your Pastoral Inbox to view details and add outcome select
- 3. We have provided some restorative questions to the form to help guide the conversation during the meeting.
- 4. Following the formal meeting, select in the bottom righthand corner to add a response.
- 5. DO NOT amend the recipients, these have all been set up for you.
- 6. Complete the following fields:



- 7. Once you are satisfied that the information provided is full and clear and has been verified by the panel members. Close the entry and select to save and submit.
- 8. CAS will use the information provided to confirm outcome in writing.